

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Angel Rendon	Team: Team # 1	CCRB Case #: 201110062	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 07/30/2011 10:50 PM	Location of Incident: West 125th Street between Lenox Avenue and Adam Clayton Powell, Jr. Boulevard	Precinct: 28	18 Mo. SOL 1/30/2013	EO SOL 1/30/2013	
Date/Time CV Reported Sat, 07/30/2011 11:00 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 08/04/2011 11:56 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM James Sepulveda	25657	892063	PBMN AC
2. POM Joseph Morovich	10263	942237	PBMN AC
3. SSA Robert Abramson	02187	905644	PBMN AC
4. POM Andrew Burrafato	21393	932384	PBMN AC
5. POM Justin Hartigan	01007	933835	PBMN AC

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Frank Burns	02906	923596	PBMN AC
2. SGT James Whitlock	03508	932226	PBMN AC
3. POM Daniel Ehrenreich	26393	932597	PBMN AC
4. POM Keith Beddows	11898	934466	PBMN AC

Officer(s)	Allegation	Investigator Recommendation
A.SSA Robert Abramson	Abuse: SGT Robert Abramson stopped individuals.	
B.POM James Sepulveda	Abuse: PO James Sepulveda stopped individuals.	
C.POM Joseph Morovich	Abuse: PO Joseph Morovich stopped individuals.	
D.POM Justin Hartigan	Abuse: PO Justin Hartigan stopped individuals.	
E.POM Andrew Burrafato	Abuse: PO Andrew Burrafato stopped individuals.	
F.SSA Robert Abramson	Abuse: SGT Robert Abramson frisked individuals.	
G.POM Joseph Morovich	Abuse: PO Joseph Morovich frisked individuals.	
H.POM Justin Hartigan	Abuse: PO Justin Hartigan frisked individuals.	
I.POM Andrew Burrafato	Abuse: PO Andrew Burrafato frisked individuals.	
J.POM Justin Hartigan	Abuse: PO Justin Hartigan strip-searched individuals.	
K.POM Andrew Burrafato	Abuse: PO Andrew Burrafato strip-searched individuals.	
L.POM James Sepulveda	Force: PO James Sepulveda used physical force against § 87(2)(b)	
M.POM James Sepulveda	Abuse: PO James Sepulveda threatened to arrest § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]

Case Summary

On July 30, 2011, § 87(2)(b) called the IAB Command Center and filed the following complaint (encl. 4a). On August 4, 2011, the complaint was forwarded to the CCRB under IAB log #11-34967 (encl. 5a-5c).

On July 30, 2011, at approximately 10:50 p.m., on West 125th Street between Lenox Avenue and Adam Clayton Powell, Jr. Boulevard (Seventh Avenue) in Manhattan, § 87(2)(b) observed approximately fifteen unidentified males being stopped by SGT Robert Abramson, PO James Sepulveda, PO Joseph Morovich, PO Justin Hartigan, and PO Andrew Burrafato. § 87(2)(b) and PO Sepulveda interacted at the location during the police activity. The following allegations resulted.

Allegation A – Abuse of Authority: SGT Robert Abramson stopped individuals.

Allegation B – Abuse of Authority: PO James Sepulveda stopped individuals.

Allegation C – Abuse of Authority: PO Joseph Morovich stopped individuals.

Allegation D – Abuse of Authority: PO Justin Hartigan stopped individuals.

Allegation E – Abuse of Authority: PO Andrew Burrafato stopped individuals.

Allegation F – Abuse of Authority: SGT Robert Abramson frisked individuals.

Allegation G – Abuse of Authority: PO Joseph Morovich frisked individuals.

Allegation H – Abuse of Authority: PO Justin Hartigan frisked individuals.

Allegation I – Abuse of Authority: PO Andrew Burrafato frisked individuals.

Allegation J – Abuse of Authority: PO Justin Hartigan strip-searched individuals.

Allegation K – Abuse of Authority: PO Andrew Burrafato strip-searched individuals.

§ 87(2)(g)

Allegation L – Force: PO James Sepulveda used physical force against § 87(2)(b)

Allegation M – Abuse of Authority: PO James Sepulveda threatened to arrest § 87(2)(b)

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

§ 87(4-b), § 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

§ 87(4-b), § 87(2)(g)

On March 28, 2012, this case was reassigned from Inv. Duffy to the undersigned following Inv. Duffy's departure from the agency.

Results of Investigation

Civilian Statements (encl. 4a-8a)

Complainant/Victim: § 87(2)(b)

- § 87(2)(b)
- § 87(2)(b)

Statement to IAB (encl. 4a):

On July 30, 2011, § 87(2)(b) provided a phone statement to IAB. § 87(2)(g)

CCRB Statement (encl. 5d-6l):

On August 8, 2011, § 87(2)(b) provided a phone statement (encl. 5d). On August 11, 2011, § 87(2)(b) was interviewed at the CCRB (encl. 6a-6d). § 87(2)(g)

On July 30, 2011, § 87(2)(b) was celebrating his § 87(2)(b) birthday, with his friend § 87(2)(b) by booking a room at Aloft Harlem, located on Frederick Douglass Boulevard (Eight Avenue) between West 123rd and West 124th Streets. § 87(2)(b) and § 87(2)(b) had just exited the subway at East 125th Street and Lenox Avenue at approximately 10:45 pm and were walking westbound on West 125th Street toward Frederick Douglass Boulevard. § 87(2)(b) and § 87(2)(b) had just come from a shopping trip and were carrying numerous shopping bags filled with clothing and other retail goods. The stores on the block were closed, and there were no vendors or other civilians in a fixed position in the immediate vicinity.

As § 87(2)(b) and § 87(2)(b) approached Adam Clayton Powell, Jr. Boulevard, § 87(2)(b) noticed two unmarked patrol cars § 87(2)(b) could not recall their make or model, or anything about the cars including whether they were dark or light in color) come from the west side and park at the curb near him and § 87(2)(b) on West 125th Street just before Adam Clayton Powell, Jr. Boulevard.

A total of five male officers dressed in plainclothes exited the two vehicles and began to point out, stop, and frisk a series of random young black men on the street, all of whom § 87(2)(b) believed to be teenagers. PO James Sepulveda (identified by the investigation and described as a Hispanic male with a light complexion, who stood 5'4" to 5'5", had a stocky build, was dressed in a black jersey and denim shorts, and was wearing an orange armband), PO Joseph Morovich (identified by the investigation and described as a white or Hispanic male, who stood 5'10" to 6'2", weighed approximately 210 lbs., and was dressed in a black shirt, tan shorts, Nike sneakers, and a black cap), and SGT Robert Abramson (identified by the investigation and described as a white male, who had a shaved head, and was dressed in a black shirt with gray side panels, tan shorts, and black sneakers with red trim) stepped out of one vehicle. § 87(2)(b) believed that SGT Abramson was the driver of this vehicle.

PO Justin Hartigan (identified by the investigation and described as a white male, who was “obese”, and was dressed in cargo shorts with a light colored shirt) and PO Andrew Burrafato (identified by the investigation and described as a white male) stepped out of the second vehicle. (PO Burrafato was not depicted in any of the photos provided by § 87(2)(b))

§ 87(2)(b) noticed that the officers chose the men at random; most were alone and picked out from other pedestrians as they walked past, and some were together in small groups of two or three. The men were individually placed against a closed store gate with their hands spread, frisked from “head-to-toe,” and sent on their way; however, at times there were several men lined up at once, and at one point there were as many as seven or more men lined up on the store gate at one time. Each frisk took about 30 seconds as the men complied with the officers then left, quickly. The officers did not question any of the men or ask for names or identification, and § 87(2)(b) did not see any of the officers writing anything down. § 87(2)(b) thought fifteen men in total were stopped and frisked over the course of about five minutes. He could not describe the teenagers verbally but had pictures of several of them in the process of being frisked by officers.

Two of the men who were pulled aside to the far right of a line of men standing against the storefront were wearing their pants sagging below the traditional waistline, with their underwear visible above the belt line. When officers PO Hartigan and PO Burrafato frisked these two men causing their pants to rest around their ankles, exposing their underwear and lower legs completely. § 87(2)(b) could not describe these two men (aside from noting that they, like the other men who were stopped, were young and black) except to say that one was wearing orange and one was tall, perhaps 6’2”. § 87(2)(b) captured many of the stopped men in photos, but not these two). Although § 87(2)(b) did not actually see an officer pull down the pants of either of these men, he said that he assumed that the officers did it because he could not see why either of them would have pulled down his own pants. § 87(2)(b) further speculated that the officers did this because the inseam of the pants sagged too low for the officers to appropriately check the crotch area for weapons on both of these men. § 87(2)(b) noted that many if not all of the young men who were stopped were wearing their pants “sagging,” meaning that the waistband of the pants fell below the men’s buttocks and exposed their underwear, but he was clear that when he said the pants were pulled down he was not referring to the fashion of wearing the pants low on the hips, but in fact meant that the pants were pulled down to the men’s ankles.

When § 87(2)(b) noticed the frisks, and particularly the two men’s pants being down at their ankles, he took out his phone and began to take pictures of the officers and the young men they were stopping and frisking. He captured several photographs of officers frisking individual men and of men lined up on the store front (fully described below), but none of the men whose pants were down at their ankles (he said that these men were to the right of the images he had captured.) § 87(2)(b) stood back away from § 87(2)(b) next to the shopping bags that he had placed on the ground. § 87(2)(b) and § 87(2)(b) both stood near the curb, far enough away that passing pedestrians had ample room to walk by on the wide sidewalk of West 125th Street. § 87(2)(b) estimated that there was a path between three and five feet wide between where he stood and the officers. The officers acted as a group. None of the officers appeared to be in charge of or of higher rank than the others.

§ 87(2)(b) had been present for about one minute before he started to photograph the incident. He held his right hand up, holding his phone, and shot five photographs (he said that he took five pictures, but he only supplied four photos to the investigation). When the officers saw the first flash from § 87(2)(b)’s cell phone camera, they immediately turned around to see where the flash was coming from. § 87(2)(b) said that some of the officers appeared to turn around so their images would not be captured on camera.

PO Sepulveda had been standing toward the outside of the sidewalk near the curb, and appeared to be standing guard over the other officers as they performed the frisks. PO Sepulveda walked up to § 87(2)(b) who was standing at the curb facing the officers, and “pushed” him back. § 87(2)(b) clarified that PO Sepulveda raised his arm, held it horizontally, and pressed it into § 87(2)(b)’s torso (PO Sepulveda was only about chest-height on § 87(2)(b) evidently to try to get him to step back. PO Sepulveda said, “If you don’t leave I’m going to arrest you for interfering with police business.” § 87(2)(b) couldn’t remember exactly what PO Sepulveda said but his words were to that effect. In his statement to IAB, § 87(2)(b) did not state that PO Sepulveda made any reference to arresting him. § 87(2)(b) asked how he was interfering with police business, since he was just taking pictures. PO Sepulveda repeated that if § 87(2)(b) did not leave he would be arrested. § 87(2)(b) asked again what he could be arrested for, and PO Sepulveda repeated that he was interfering with police business. § 87(2)(b) said that they went back and forth like this for a few moments.

§ 87(2)(b) walked around PO Sepulveda and continued to take pictures, this time from closer to Lenox Avenue (to the right as viewed in the photographs). § 87(2)(b) told PO Sepulveda, “If I can’t touch you, you can’t touch me.” § 87(2)(b) said that there was no reason for PO Sepulveda to have touched him, since it was legal for him to stand and take pictures. PO Sepulveda touched § 87(2)(b) in the same place a second time, to try to push him back from the scene of the incident. However, at this point PO Morovich, SGT Abramson, PO Hartigan, and PO Burrafato discontinued their frisks of the men passing by on the street, and some of them returned to their vehicles, which were parked nearby at the curb.

As the other officers were returning to their vehicles, PO Sepulveda continued to “jabber at” § 87(2)(b) and PO Morovich joined him. § 87(2)(b) asked PO Sepulveda for his shield number, and he supplied it, loudly. § 87(2)(b) wrote the number down, and as he did so PO Sepulveda repeated it several times, to the point that he was yelling his shield number into the street and seemed to find it funny. PO Morovich joined in and began asking § 87(2)(b) questions, like, “What are you going to do? What, are you going to make a complaint?” § 87(2)(b) felt that PO Morovich was mocking him by challenging him to file a complaint. § 87(2)(b) said that they seemed to feel that they were above the law. § 87(2)(b) did not ask PO Morovich for his shield number because he was distracted by PO Sepulveda yelling and PO Morovich mocking him. PO Sepulveda threw in comments like, “You got it? You want it again?”

To avoid PO Sepulveda and PO Morovich, § 87(2)(b) turned his attention to PO Hartigan and PO Burrafato, who were inside their vehicle. § 87(2)(b) approached the passenger’s side window, which was closed, of the car to ask for their shield numbers. § 87(2)(b) did not shout his request but stated in his interview that the officers must have heard him through the glass. § 87(2)(b) stated that PO Hartigan was driving and PO Burrafato was in the front passenger seat. PO Burrafato had the window closed. § 87(2)(b) asked, “What’s your badge number?” PO Burrafato did not acknowledge that he had heard § 87(2)(b) and stared straight ahead without turning to see who was at the window. § 87(2)(b) said something to the effect of, “What, are y’all going to ignore me? You don’t see me standing here?” PO Burrafato did not respond. While § 87(2)(b) made his request, PO Sepulveda and PO Morovich carried on shouting similar taunts as those described above.

After the officers left the area, § 87(2)(b) called 911 and reported the incident. The dispatch said a patrol supervisor would come, but a supervisor never arrived. § 87(2)(b) also stopped a patrol car in the immediate vicinity, at the intersection of West 125th Street and Adam Clayton Powell, Jr. Boulevard, and asked them if they could identify where the plainclothes officers came from, but the officers therein said that they didn’t know since so many plainclothes units operated in the area. § 87(2)(b) did not get the names of these officers or discover what precinct they were assigned to, nor did he remember what they looked like other than that they were both white males. § 87(2)(b) stated that he did not pay much

attention to them since they were not able to help. During § 87(2)(b)'s interaction with the officers, § 87(2)(b) quietly stood to the side of the curb with the shopping bags. § 87(2)(b) wrote down PO Sepulveda's badge number when he began to yell it out, but she had no direct interaction with any of the officers.

Photos Provided by § 87(2)(b) (encl. 6e-6h):

§ 87(2)(b) took the photographs described below at the time of the incident and provided copies to the CCRB.

1) Photo #1 (encl. 6e) depicts the following. A line of five young men are standing facing a riot gate. V1 (dressed in a black short-sleeve tee shirt, a dark-colored Yankees baseball hat, and white and gray sneakers) is standing farthest right, with both arms raised and his hands pressed against the riot gate. § 87(2)(b) stated that the individuals who had their pants pulled down by officers, exposing their underwear, were positioned to the right of V1 and not captured in any of the photos.) V2 (dressed in a white tee shirt, dark-colored pants, and white sneakers, with a white tee shirt or towel draped over his right shoulder, and holding a red baseball hat in his right hand) is standing several feet to the left of V1. V2's arms are raised and his hands are pressed against the riot gate. PO Hartigan is standing directly behind V2, leaning forward toward V2's back, and touching the right side of V2's waistband with his right hand. V3 (clothing not visible from Photo #1) is standing directly to the left of V2, with his arms raised and his hands pressed against the riot gate. V3's head is turned to his right. V4 (dressed in a short-sleeve white tee shirt, red or orange shorts, and red or orange sneakers) is standing to the left of V3. V4's arms are at his side and his head is turned to his right. V5 (dressed in a short-sleeve white tee shirt, camouflage shorts, and white sneakers) is standing to the left of V4, with his arms raised and his hands pressed against the riot gate. PO Morovich is standing directly behind V5, and leaning forward toward V5's back, with his right arm draped around V5's right side, appearing to make physical contact. V6 (dressed in a white tee shirt, camouflage shorts, and white sneakers) is several feet to the left of V5, and walking away, with his back turned towards the group of men who are still stopped. § 87(2)(b) stated that V6 had been stopped, frisked, and released by the officers prior to the photo being taken.) PO Morovich's face is turned to his right. PO Sepulveda's right arm, on which he is wearing an orange-arm band and bracelet, can be seen in the foreground, in the lower left-hand corner of the photo.

2) Photo #2 (encl. 6f) depicts the following. V1, V2, V3, V4, V5, and V6 appear to be positioned in the same manner as depicted in Photo #1. PO Hartigan is turned away from V2's rear, facing leftward. An unidentified individual § 87(2)(b) did not describe this individual as a victim of any allegations) is one to two paces in front of him. V7 (dressed in a white tee shirt) is standing in the space between V1 and V2, facing the riot gate. PO Sepulveda's full body is now captured in the foreground. PO Burrafato is bent over to the right of V1, with only his backside and parts of his right leg visible. PO Burrafato's upper body is cropped out of the photo. (The investigation determined that § 87(2)(b) incorrectly referred to PO Burrafato as SGT Abramson when reviewing Photo #2.) Photo #2 is blurry.

3) Photo #3 (encl. 6g) depicts the following. In the foreground, V7 (dressed in a white short-sleeve tee shirt, dark-colored jeans, and gray sneakers) is walking past. V1, V2, V5, and V6 are not visible in the photo. V3 is standing and facing the riot gate, with his right arm raised and right hand pressed against the gate. V3's left arm and most of his body is not visible; his head is turned to his right. PO Hartigan is leaned over, directly behind V3, and facing V3's rear, but only his back is visible; it is unclear what, if anything, PO Hartigan is doing with his hands. V4 is standing to V3's left, standing and facing the riot gate, with his right arm raised and right hand pressed against the gate. V4's left arm is not visible. PO Morovich is standing behind V4, leaning forward and facing V4's rear, with his right arm extended towards V4's waistband.

4) Photo #4 (encl. 6h) depicts the following. V7 (in this photo, it is clear that V7 is also wearing a dark-colored baseball hat) is standing, facing the riot gate, with both arms raised and his hands pressed against the back of his head. PO Burrafato is standing directly behind V7, and slight to V7's left. PO Burrafato's right arm is pressed against V7's back but his left arm is not visible. (The investigation determined that § 87(2)(b) incorrectly referred to PO Burrafato as SGT Abramson when reviewing Photo #4.) § 87(2)(b) stated that V7 was walking past, as depicted in Photo #3, before being stopped along with the others, as he is depicted in Photo #4.

Witness: § 87(2)(b)

- § 87(2)(b)

CCRB Statement (encl. 7a-7b):

On September 6, 2011, § 87(2)(b) provided a statement over the phone. § 87(2)(g)

§ 87(2)(b) and § 87(2)(b) were walking on West 125th Street. § 87(2)(b) did not recall if they were coming from a restaurant or a subway or what they had been doing prior to the incident, but remembered that it was late at night and that they were retiring to a hotel around the corner from the incident location.

As § 87(2)(b) and § 87(2)(b) walked past, they observed PO James Sepulveda (identified by the investigation and described as a Hispanic male, who was short, had a heavysset build, and was wearing a dark-colored jersey) pacing back and forth while PO Andrew Burrafato (identified by the investigation and described as a white male, who had an average height, had a medium build, had short hair, and was dressed in a red shirt) frisking young black men on the street. PO3 (no description provided) and PO4 (no description provided) remained seated in a parked unmarked vehicle. § 87(2)(b) only recalled physical descriptions of PO Sepulveda and PO Burrafato. There may have been a fifth officer, but § 87(2)(b) was unsure.) PO Burrafato was pulling down the pants of some of the men. § 87(2)(b) clarified that the underwear of the young men were not exposed because they were dressed in basketball shorts underneath denim shorts. § 87(2)(b) said that some young men rounded the corner, noticed the group frisks taking place, and presented themselves against the wall to be frisked without being ordered to do so by the officers.

PO Sepulveda noticed § 87(2)(b) and § 87(2)(b) standing and watching the activity. PO Sepulveda approached § 87(2)(b). § 87(2)(b) focused her attention on the interaction between PO Sepulveda and § 87(2)(b) when it started and did not see what if any additional actions the other officers took from that point forward. § 87(2)(b) heard PO Sepulveda tell § 87(2)(b) to move away because he was interfering. § 87(2)(b) used the word "pushed" when referring to the interaction between § 87(2)(b) and PO Sepulveda but also acknowledged that she was not sure what kind of physical contact occurred between the two. § 87(2)(b) did not hear § 87(2)(b) ask anyone for their badge numbers, although she did hear PO Sepulveda shouting his badge number and name several times, and she wrote this information down. § 87(2)(b) believed that PO Sepulveda volunteered the information in response to § 87(2)(b)'s statement that he was going to report the incident.

§ 87(2)(b) called 911 to get a supervisor or IAB to the scene while he was still talking to the officers, but they left the area. § 87(2)(b) and § 87(2)(b) waited for a response for close to an hour before someone called § 87(2)(b) on his cell phone and asked for their location. They waited sometime more but no other officers appeared. § 87(2)(b) noticed another group of teens, three girls and a boy, who were not stopped but walked past the incident. She did not notice any other potential witnesses.

§ 87(2)(b) reviewed Photos #1-#4 during her phone statement. § 87(2)(b) stated that the officer depicted in the foreground in the lower left corner of Photo #1—the arm wearing the orange armband—was PO Sepulveda. § 87(2)(b) was unable to account for who the other officers in the photo were because she did not pay attention to the events depicted in Photo #1 when they actually took place. § 87(2)(b) also stated that the officer depicted in Photo #4 was PO Burrafato and amended her previous description to reflect that PO Burrafato was not dressed in a red shirt.

Witness: § 87(2)(b)

- § 87(2)(b)

CCRB Statement (encl. 8a):

On June 29, 2012, § 87(2)(b) provided a statement over the phone.

§ 87(2)(b) confirmed that he made the 911 call that generated SPRINT #§ 87(2)(b) § 87(2)(b) initially witnessed a group of teens chasing one individual who had exited a deli directly near an entrance to the A, D, B, C Subway entrance at St. Nicholas Avenue and West 125th Street. The group struck the victim a few times, but the victim eventually got away. When the police responded, they dispersed the group of teens. When asked if he saw any of the perpetrators being stopped by police officers, § 87(2)(b) was unsure, but was certain that no one was arrested.

Attempts to Contact Civilians

According to § 87(2)(b) none of the unidentified victims were arrested as a result of this incident. Additionally, the stops of the unidentified victims were not documented in any officers' memo books. The investigation was unable to locate any Stop, Question, and Frisk Reports on file for this incident. Finally, a review of the SPRINT index yielded no positive matches documenting this incident. Because of the above, the investigation was unable to identify the victims depicted in the photographs § 87(2)(b) provided using police records. On January 11, 2012, Inv. Duffy posted several please-call letters (encl. x) in plain view on both sides of West 125th Street between Lenox Avenue and Adam Clayton Powell, Jr. Boulevard. As of the date of this report, none of the unidentified victims has contacted the CCRB.

NYPD Statements:

Subject Officer: PO JAMES SEPULVEDA

- *PO Sepulveda is a § 87(2)(b)-old Hispanic male with a light complexion, who stands 5'5", weighs 200 lbs., and has brown hair and brown eyes.*
- *On July 30, 2011, PO Sepulveda worked from 5:30 p.m. to 2:05 a.m. and was assigned to a Patrol Borough Manhattan North anti-crime unit. PO Sepulveda was partnered with SGT Robert Abramson and PO Joseph Morovich, dressed in plainclothes, and assigned to an unmarked vehicle (#8046).*

Memo Book (encl. 9a-9b):

At 10:58 p.m., at West 125th Street between Adam Clayton Powell, Jr. Boulevard and Frederick Douglass Boulevard, while attempting to perform police duties, an unidentified black male stood behind PO Sepulveda and attempted to take photos. The individual was told move along and that he was impeding police duties. The individual asked for PO Sepulveda's shield number and was given the shield number. The individual became annoyed for being told to move.

CCRB Statement (encl. 9c-9e):

On September 6, 2012, PO Sepulveda was interviewed at the CCRB. On July 30, 2011, at approximately 8:58 p.m., on West 125th Street between Lenox Avenue and Adam Clayton Powell, Jr. Boulevard or between Adam Clayton Powell, Jr. Boulevard and Frederick Douglass Boulevard, PO Sepulveda observed a group of five to six officers dressed in plainclothes with a larger group of individuals (though not larger than ten in number) stopped near the building side of the south side of the street. PO Sepulveda made this observation from the unmarked vehicle while it was in transit, but he did not recall if the vehicle was in the traffic lane closer to the activity or farther from it, nor did he recall the seating arrangement within the vehicle, except to say that he is usually driving, SGT Abramson would likely sit in the front passenger seat, and PO Morovich would sit in the backseat.

At the time of the incident, PO Sepulveda “might have” recognized the officers, and they “might have” been officers assigned to his command, but he no longer recalled who they were at the time of his interview. PO Sepulveda did not recall what police vehicles the group of officers had with them. PO Sepulveda decided to back up the officers because they were outnumbered by the individuals they had stopped. PO Sepulveda did not recall if there was a discussion amongst himself, SGT Abramson, and PO Morovich regarding this decision. PO Sepulveda did not see and did not know what precipitated the stop of this group, nor did he know if there was a radio run related to the activity he observed. PO Sepulveda did not recall any physical descriptions of the individuals being stopped and did not recall how they were positioned (i.e. lined up, clustered, etc.) except to say that they were closer to the building side of the sidewalk.

Upon exiting the unmarked vehicle, PO Sepulveda positioned himself near the curb, toward the right of the group of individuals being stopped. PO Sepulveda’s distance from the group was approximately the width of the sidewalk. PO Sepulveda did not announce himself to the group of officers conducting the stop, because they were busy conducting the stop, nor did he have a verbal interaction with them, but PO Sepulveda assumed that they were aware of his presence. PO Sepulveda did not recall where SGT Abramson or PO Morovich positioned themselves.

Immediately, PO Sepulveda became aware of § 87(2)(b) who was alone, and standing directly behind PO Sepulveda, taking photos of the stop with a cell phone. § 87(2)(b) had a much larger build than PO Sepulveda. PO Sepulveda turned around and told § 87(2)(b) that he had no problem with § 87(2)(b) taking photos, but that he could not stand directly behind him. PO Sepulveda explained that he could not divide his concern with § 87(2)(b)’s presence immediately behind him and the stop being conducted in front of him, stating that he (PO Sepulveda) could get hurt, or someone else could get hurt.

§ 87(2)(b) appeared to become annoyed at PO Sepulveda’s directive that he step away from his rear. § 87(2)(b) replied by asking PO Sepulveda for his name and shield number. § 87(2)(b)’s request led PO Sepulveda to believe that § 87(2)(b) was annoyed by PO Sepulveda’s request that § 87(2)(b) move away from his rear.) PO Sepulveda stated his name, spelled it, then provided his shield number. (Because PO Sepulveda is often told he speaks at a low volume, he provided the information loudly and clearly.) PO Sepulveda did not repeat his name or shield number multiple times. PO Sepulveda did not recall how § 87(2)(b) recorded the information, if at all. After providing the information, PO Sepulveda again directed § 87(2)(b) to move away from his rear. § 87(2)(b) did not move away, but the group of officers conducting the stop were returning to their vehicles, so, having determined that the police activity was concluded, PO Sepulveda, SGT Abramson, and PO Morovich also returned to their vehicle. PO Sepulveda had no further interaction with § 87(2)(b).

While PO Sepulveda was present, members of the group “might have been” frisked, but he was not sure.

No new individuals were stopped in addition to the already stopped group while PO Sepulveda was at the location. PO Sepulveda had no verbal or physical interactions with any members of the group that was stopped and he did not recall if SGT Abramson or PO Morovich had any such interactions with them. PO Sepulveda did not see an officer pull any individual's pants down so that his or her underwear was exposed.

Neither PO Sepulveda nor any other officer present made physical contact with § 87(2)(b) specifically, no officer ever pushed § 87(2)(b) in the chest. PO Sepulveda never threatened § 87(2)(b) with arrest, nor did any other officer present. PO Sepulveda did not recall if § 87(2)(b) ever asked another officer for his or her name and shield, nor did he recall if § 87(2)(b) ever made a reference to filing a complaint against the officers. § 87(2)(b) never approached the vehicle that PO Sepulveda was in, nor did § 87(2)(b) approach another police vehicle.

PO Sepulveda was shown Photos #1-#4, provided by § 87(2)(b) to the investigation. PO Sepulveda stated that the officer wearing an orange armband in the foreground of Photo #1 "might be" him. PO Sepulveda was unable to identify any other officers depicted in Photo #1. After viewing Photo #2, PO Sepulveda identified himself as the officer in the foreground wearing a dark shirt and charcoal shorts, but was unable to identify other officers depicted in the photo. PO Sepulveda was unable to identify any officers depicted in Photo #3 or Photo #4.

Subject Officer: SGT ROBERT ABRAMSON

- *SGT Abramson is a § 87(2)(b)-old white male, who stands 5'7", weighs 170 lbs. and has brown hair and brown eyes.*
- *On July 30, 2011, SGT Abramson worked from 5:30 p.m. to 2:30 a.m. and was assigned to a Patrol Borough Manhattan North anti-crime unit. SGT Abramson was partnered with PO James Sepulveda and PO Joseph Morovich, dressed in plainclothes, and assigned to an unmarked vehicle (#8046).*

Memo Book (encl. 10a-10b):

At 8:30 p.m., SGT Abramson went out on patrol. SGT Abramson was the driver, PO Sepulveda was seated in the front passenger seat, and PO Morovich was seated in the rear. At 2:00 a.m., SGT Abramson performed administrative duties at his command.

CCRB Statement (encl. 10c-10d):

On September 20, 2012, SGT Abramson was interviewed at the CCRB. § 87(2)(g)

On July 30, 2011, at approximately 10:50 p.m., while driving on West 125th Street between Lenox Avenue and Adam Clayton Powell, Jr. Boulevard, SGT Abramson observed, from the driver's seat, approximately four police officers with a group of at least a dozen males stopped. A couple of the officers were frisking a couple members of the group. SGT Abramson stopped the vehicle to back up the officers conducting the stop because they were outnumbered by the individuals they had stopped. SGT Abramson did not recall if there was any discussion inside the vehicle regarding the decision to back up the other officers.

SGT Abramson, PO Sepulveda, and PO Morovich exited the vehicle. SGT Abramson did not recall where he positioned himself or where PO Morovich positioned himself but did know that PO Sepulveda was standing some distance to his right, near the curb. SGT Abramson did not recall who the officers were or if they were from his own command, but did state that they were not summoned to the location specifically and that they were not responding to a radio run. While the radio may have been busy that

evening, SGT Abramson did not recall a specific radio run related to this police activity. SGT Abramson did not recall if the officers were dressed in plainclothes or in uniform.

SGT Abramson briefly noticed that PO Sepulveda had a verbal interaction with § 87(2)(b) (identified by the investigation) who was standing behind PO Sepulveda with a camera. SGT Abramson did not hear what was said by either party. SGT Abramson did not watch for long and § 87(2)(b) did not appear to pose a threat from what he saw. SGT Abramson did not make physical contact with any of the stopped individuals or § 87(2)(b) nor did he see PO Sepulveda or PO Morovich do so. Specifically, SGT Abramson did not see PO Sepulveda ever push § 87(2)(b). SGT Abramson had no verbal interaction with § 87(2)(b).

SGT Abramson did not see any of the stopped individuals being searched by the other officers nor did he see anyone being strip-searched. SGT Abramson never saw an officer pull down any of the stopped individuals' shorts, exposing his underwear. SGT Abramson did not see any civilians asking any officers for their names or shield numbers. SGT Abramson did not see any officer threaten a civilian with arrest, nor did he do so himself. Specifically, SGT Abramson never heard an officer tell any civilian, "If you don't leave I'm going to arrest you." SGT Abramson, PO Sepulveda, and PO Morovich were at the location for approximately two to three minutes before leaving. SGT Abramson viewed Photos #1-4, provided to the investigation by § 87(2)(b) but did not recognize any officers or civilians depicted in the photos.

Subject Officer: PO JOSEPH MOROVICH

- *PO Morovich, who has since been reassigned to the 25th Precinct, is a § 87(2)(b)-old white male, who stands 6'4", weighs 245 lbs., and has blond hair and brown eyes.*
- *On July 30, 2011, PO Morovich worked from 5:30 p.m. to 2:05 a.m. and was assigned to a Patrol Borough Manhattan North anti-crime unit. PO Morovich was partnered with SGT Robert Abramson and PO James Sepulveda, dressed in plainclothes, and assigned to unmarked vehicle #8046.*

Memo Book (encl. 11a-11b):

At 8:30 p.m., PO Morovich went on patrol with SGT Abramson and PO Sepulveda.

CCRB Statement (encl. 11c-11d):

On September 21, 2012, PO Morovich was interviewed at the CCRB. § 87(2)(g)

PO Morovich did not recall his activities on July 30, 2011 or this incident. The color of the day was orange and PO Morovich, as well as many members of his team, wore armbands to signify this, but some may have worn hats or tee shirts. This applied to any plainclothes units from any commands working in the area. PO Morovich viewed Photos #1-3 provided by § 87(2)(b) but did not recognize himself or officers depicted in the photo. PO Morovich stated that the officer in Photo #4 "looked familiar" but was unsure who he was or if he was assigned to his own command. (PO Morovich was at Patrol Borough Manhattan North anti-crime for a temporary assignment that lasted approximately thirty days.) PO Morovich did not recall being in the vicinity of West 125th Street between Lenox Avenue and Adam Clayton Powell, Jr. Boulevard nor did he recall seeing the incident depicted in the photos. Additionally, PO Morovich did not recall conducting any stops on the date of this incident. Despite being provided additional details surrounding the incident, PO Morovich did not recall it.

Subject Officer: PO JUSTIN HARTIGAN

- *PO Hartigan is a § 87(2)(b)-old white male, who stands 5'6", weighs 220 lbs., has brown hair, is balding, and has brown eyes.*
- *On July 30, 2011, PO Hartigan worked from 5:30 p.m. to 2:05 a.m. and was assigned to a Patrol Borough Manhattan North anti-crime unit. PO Hartigan was partnered with PO Andrew Burrafato, dressed in plainclothes, and assigned to an unmarked Chevrolet Impala (#1020).*

Memo Book (encl. 12a-12b):

At 5:30 p.m., PO Hartigan performed administrative duties. At 8:30 p.m., the unmarked vehicle was inspected. At 2:05 a.m., PO Hartigan ended his tour.

CCRB Statement (encl. 12c-12d):

On October 24, 2012, PO Hartigan was interviewed at the CCRB. PO Hartigan did not recall this incident. Despite being provided with details surrounding the incident and being shown a photo of § 87(2)(b) PO Hartigan did not recall the incident. PO Hartigan did not recall what his duties consisted of while he was on patrol and had no specific recollection of conducting any stops. PO Hartigan did not recall any activity coming over the radio that could have precipitated stops of a high number of individuals at the location. PO Hartigan and PO Burrafato worked together for the entirety of the tour.

PO Hartigan viewed Photos #1-#4 provided by § 87(2)(b). When PO Hartigan viewed Photo #1, in reference to the officer with a heavyset build making physical contact with an individual in a short-sleeve white tee shirt and long dark pants, PO Hartigan said, "Kind of hard to tell. I mean, I don't know if that's me or not." PO Hartigan was asked to clarify, to which he replied, "I don't know if that's me or not." PO Hartigan was unable to identify himself, or any officers or civilians in Photos #2-#4. PO Hartigan viewed Photo #1 a second time and was asked to clarify his remarks. PO Hartigan replied, "It looks like me. I just can't say if that's me. There's other officers that resemble me. I don't want to outright say that that's me. I don't know." Despite viewing the photos provided by § 87(2)(b) PO Hartigan did not recall this incident.

Subject Officer: PO ANDREW BURRAFATO

- *PO Burrafato is a § 87(2)(b)-old white male, who stands 5'9", weighs 160 lbs., and has brown hair and brown eyes.*
- *On July 30, 2011, PO Burrafato worked from 5:30 p.m. to 2:05 a.m. and was assigned to a Patrol Borough Manhattan North anti-crime unit. PO Burrafato was partnered with PO Justin Hartigan, dressed in plainclothes, and assigned to an unmarked gray Crown Victoria (#1020).*

Memo Book (encl. 13a-13b):

At 8:30 p.m., PO Burrafato recorded the inspection of patrol car #1020. PO Hartigan was the recorder for the tour. At 2:05 a.m., PO Burrafato ended his tour.

CCRB Statement (encl. 13c-13d):

On October 4, 2012, PO Burrafato was interviewed at the CCRB. PO Burrafato did not recall this incident. Despite being provided details surrounding the incident, PO Burrafato did not recall the incident, nor did he recall any radio runs that would have precipitated such an incident. Additionally, PO Burrafato did not recall stopping anyone on the date of the incident. PO Burrafato was shown Photos #1-4 provided by § 87(2)(b). PO Burrafato was not able to identify anyone in Photos #1-3. During his interview, when PO Burrafato viewed Photo #4, he said, "That might be me. I don't know. I can't tell." PO Burrafato was invited to take his time looking at Photo #4. PO Burrafato then said, "I can't tell"

again.

Witness Officer: PO KEITH BEDDOWS

- *PO Beddows is a § 87(2)(b)-old white male, who stands 6'00", weighs 230 lbs., and has blond hair and blue eyes.*
- *On July 30, 2011, PO Beddows worked from 7:00 p.m. to 3:35 a.m. and was assigned to a Patrol Borough Manhattan North anti-crime unit. PO Beddows was partnered with SGT Frank Burns and PO Daniel Ehrenreich, dressed in plainclothes, and assigned to an unmarked black Buick sedan (#8891).*

Memo Book (encl. 14a-14c):

At 8:30 p.m., PO Beddows went out on patrol. At 2:05 p.m., PO Beddows ended his tour.

CCRB Statement (encl. 14d-14e):

On October 24, 2012, PO Beddows was interviewed at the CCRB. PO Beddows did not recall this incident. Despite being provided with details surrounding the incident and being shown a photo of § 87(2)(b) PO Beddows did not recall the incident. PO Beddows did not recall what his duties consisted of while he was on patrol and had no specific recollection of conducting any stops. PO Beddows did not recall any activity coming over the radio that could have precipitated stops of a high number of individuals at the location. PO Beddows, SGT Burns, and PO Ehrenreich worked together for the entirety of the tour.

PO Beddows viewed Photos #1-#4 provided by § 87(2)(b) PO Beddows was unable to identify himself, any officers, or any civilians in any of the photos. Despite viewing the photos, PO Beddows did not recall this incident.

Witness Officer: SGT JAMES WHITLOCK

- *SGT Whitlock is a § 87(2)(b)-old black male who stands 6'0", weighs 210 lbs., and has black hair and brown eyes.*
- *On July 30, 2011, SGT Whitlock worked from 5:26 p.m. to 2:10 a.m. and was assigned to Patrol Borough Manhattan North anti-crime. SGT Whitlock was partnered with PO Omar Perez and PO Steven Caron, dressed in plainclothes, and assigned to an unmarked silver Ford Fusion (#1583).*

Memo Book (encl. 15a-15b):

At 8:00 p.m., SGT Whitlock went on patrol. At 2:10 a.m., SGT Whitlock ended his tour.

CCRB Statement (encl. 15c-15d):

On October 3, 2012, SGT Whitlock was interviewed at the CCRB. SGT Whitlock did not recall this incident. Despite being shown Photos #1-4 provided by § 87(2)(b) SGT Whitlock did not recall the incident nor was he able to identify any officers or civilians depicted in the photos. SGT Whitlock did not recall any radio runs or incidents within the area that may have been related to this incident, nor did he recall engaging in any activity similar to the activity depicted in the photos. Despite being provided with details surrounding the incident, SGT Whitlock did not recall it.

Officers Not Interviewed

The other officers assigned to SGT Whitlock's vehicle, PO Omar Perez and PO Steven Caron, were not interviewed because SGT Whitlock is a black male and the alleged fact pattern did not support the presence of a black male officer at the location. § 87(2)(g)

The Patrol Borough Manhattan North anti-crime roll call

listed another vehicle to which PO Lynn Ruger and PO Samuel Vazquez were assigned. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

NYPD Documents (encl. 16a-16m):

SPRINT Information Requests (encl. 16d-16l)

The SPRINT index from the 28th Precinct for July 30, 2011 between 8:00 p.m. and 11:59 p.m. yielded the following SPRINT reports in the immediate vicinity of this incident—none of which were positive matches for this incident.

- At 10:29 p.m., at West 126th Street and Lenox Avenue, SPRINT #§ 87(2)(b) documented a report of an unspecified number of females engaged in a dispute. A 28th Precinct sector unit responded and provided a final disposition of gone on arrival (10-90Z).
- At 10:42 p.m., on West 126th Street between Fifth Avenue and Lenox Avenue, SPRINT #§ 87(2)(b) documented a report of a commercial burglary alarm. A 28th Precinct sector unit responded and provided a final disposition of notice served (10-90N).
- At 10:49 p.m., on Lenox Avenue between West 125th Street and West 126th Street, SPRINT #§ 87(2)(b) documented a report of two suspicious black males inside 302 Lenox Avenue. A 28th Precinct sector unit responded and provided a final disposition of unfounded (10-90X).
- At 10:49 p.m., on West 125th Street and St. Nicholas Avenue, SPRINT #§ 87(2)(b) documented a report by § 87(2)(b) of a group of black and Hispanic juveniles intimidating unidentified individuals on the street, with no injuries or weapons involved. The group was traveling eastbound at the time of the call. Units from the 26th Precinct and the 28th Precinct responded. Each unit provided a final disposition of gone on arrival (10-90Z).
- At 10:54 p.m., at West 125th Street and Adam Clayton Powell, Jr. Boulevard, SPRINT #§ 87(2)(b) documented a report of a group of unidentified juveniles assaulting an unidentified individual. A 28th Precinct sector unit responded and provided a final disposition of unfounded (10-90X).
- At 10:56 p.m., at 95 Lenox Avenue, between West 114th Street and West 115th Street, SPRINT #S16094 documented a vertical patrol by a 28th Precinct conditions unit.
- At 11:51 p.m., at West 127th Street and Lenox Avenue, SPRINT #§ 87(2)(b) documented a report of narcotics sales by a black male with short black hair, who was wearing a white tee shirt with red writing and black shorts, with drugs stored inside a CD player. A 28th Precinct sector unit responded and provided a final disposition of unfounded (10-90X).

Stop, Question, and Frisk Information Requests (encl. 16m, 20c)

A request for a computerized log of all Stop, Question, and Frisk Reports prepared for any stops that took place on the date of the incident between 9:00 p.m. and 11:59 p.m. yielded no reports prepared for this incident (encl. 16m). A request to the 28th Precinct for a handwritten log of all Stop, Question, and Frisk Reports prepared within the confines of the command on the date of the incident was met with negative results; the command had no such handwritten reports on file (encl. 20c).

Patrol Borough Manhattan North Anti-Crime Roll Call (encl. 16a-16c)

The roll call noted five vehicles in use by the command at the time of this incident. SGT Robert Abramson, PO James Sepulveda, and PO Joseph Morovich were working in vehicle #8046. SGT Frank Burns, PO Keith Beddows, and PO Daniel Ehrenreich were working in vehicle #8891. SGT James Whitlock, PO Omar Perez, and PO Steven Caron were working in vehicle #1583. PO Lynn Ruger and PO Samuel Vasquez were working in vehicle #427. PO Andrew Burrafato and PO Justin Hartigan were working in vehicle #1020.

Status of Civil Proceedings (encl. 16n):

- Neither § 87(2)(b) nor § 87(2)(b) has filed a Notice of Claim with the City of New York as of October 10, 2012 with regard to the incident.

Civilian's Criminal History

- As of December 31, 2012, Office of Court Administration records reveal no criminal convictions for § 87(2)(b)

Civilian's CCRB History (encl. 3a):

- § 87(2)(b)
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]

Subject Officers' CCRB Histories (encl. 2a-2g):

- SGT Abramson has been a member of the service for 18 years and there are three substantiated CCRB allegations against him (encl. 2a-2b):
 - In case #201105391, an allegation of a stop and two allegations of frisks were substantiated. The Board recommended charges for all three allegations. The NYPD disposition is pending.
 - § 87(4-b), § 87(2)(g)
- PO Sepulveda has been a member of the service for 25 years and there is one substantiated CCRB allegation against him (encl. 2c-2d):
 - In case #200809710, an allegation of a refusal to provide name and shield number was substantiated. The Board recommended charges. The NYPD issued a command discipline.
- PO Morovich has been a member of the service for six years and there are no substantiated CCRB allegations against him (encl. 2e):
- PO Hartigan has been a member of the service for eight years and there are no substantiated CCRB allegations against him (encl. 2f):
- PO Burrafato has been a member of the service for nine years and there are no substantiated CCRB allegations against him (encl. 2g):

Conclusion

Identification of Subject Officers

PO Sepulveda and SGT Abramson acknowledged their presence at the location. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Investigative Findings and Recommendations

Allegations Not Pleaded

According to § 87(2)(b) after he obtained PO Sepulveda's name and shield number, he approached the second vehicle, in which the other two officers were seated. § 87(2)(b) made a verbal request, without shouting, for the officers' shield numbers through the closed front passenger window. By § 87(2)(b)'s own statement, the officers made no movement that could confirm that they heard his request and intentionally ignored it. § 87(2)(g)

§ 87(2)(g)

Allegation A – Abuse of Authority: SGT Robert Abramson stopped individuals.

Allegation B – Abuse of Authority: PO James Sepulveda stopped individuals.

Allegation C – Abuse of Authority: PO Joseph Morovich stopped individuals.

Allegation D – Abuse of Authority: PO Justin Hartigan stopped individuals.

Allegation E – Abuse of Authority: PO Andrew Burrafato stopped individuals.

Allegation F – Abuse of Authority: SGT Robert Abramson frisked individuals.

Allegation G – Abuse of Authority: PO Joseph Morovich frisked individuals.

Allegation H – Abuse of Authority: PO Justin Hartigan frisked individuals.

Allegation I – Abuse of Authority: PO Andrew Burrafato frisked individuals.

Allegation J – Abuse of Authority: PO Justin Hartigan strip-searched individuals.

Allegation K – Abuse of Authority: PO Andrew Burrafato strip-searched individuals.

According to § 87(2)(b) and § 87(2)(b) SGT Abramson, PO Sepulveda, PO Morovich, PO Hartigan, and PO Burrafato stopped several young males, fifteen by § 87(2)(b)'s count, frisked them, and strip-searched a number of them, two by § 87(2)(b)'s count.

The photos provided by § 87(2)(b) depict at least six unique male individuals stopped and lined up against a riot gate by four unique officers. The photos also depict at least four unique individuals being frisked by officers. The photos do not depict any individuals being strip-searched.

According to PO Sepulveda, when he arrived at the scene, five to six officers whose identities he did not recall had between six and ten individuals stopped. PO Sepulveda was unsure if any of these individuals were frisked by the officers, but specified that he did not do so, nor did SGT Abramson or PO Morovich. None of these individuals were strip-searched. According to SGT Abramson, when he arrived at the

scene, four officers whose identities he did not recall had approximately 12 individuals stopped. A couple of the officers were frisking a couple of the individuals. None of the individuals were strip searched. SGT Abramson did not frisk any of the individuals, nor did PO Sepulveda or PO Morovich. PO Sepulveda and SGT Abramson were consistent in stating that all of the individuals had been stopped prior to their arrival. PO Morovich did not recall this incident.

§ 87(2)(g)

Allegation L – Force: PO James Sepulveda used physical force against § 87(2)(b)

Allegation M – Abuse of Authority: PO James Sepulveda threatened to arrest § 87(2)(b)

According to § 87(2)(b) while he was photographing the stops taking place, PO Sepulveda approached him, pushed him in his chest, and said something to the effect of “If you don’t leave, I’m going to arrest you for interfering with police business.” § 87(2)(b) did not see if PO Sepulveda pushed § 87(2)(b) and she made no mention of PO Sepulveda threatening § 87(2)(b) with arrest.

According to PO Sepulveda, while he stood near the curb watching the other officers conduct their stops, he noticed § 87(2)(b) standing directly behind him. PO Sepulveda turned, told § 87(2)(b) that there was no problem with his taking photos, but not to stand directly behind him because it would require him to divide his attention to safety between his fellow officers and § 87(2)(b). § 87(2)(b) asked PO Sepulveda for his name and shield number. PO Sepulveda then provided his name, the spelling of his name, and his shield number. PO Sepulveda did not push § 87(2)(b) nor did he make physical contact with him in any manner. PO Sepulveda never threatened § 87(2)(b) with arrest. According to SGT Abramson, § 87(2)(b) was standing behind PO Sepulveda with a camera in his hands. PO Sepulveda and § 87(2)(b) then had a brief verbal exchange. PO Sepulveda did not push § 87(2)(b) or make physical contact with him in any manner. PO Sepulveda never threatened § 87(2)(b) with arrest. PO Morovich did not recall the incident.

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

§ 87(4-b), § 87(2)(g)

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date